



State of Utah

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

Department of  
Environmental Quality

Richard W. Sprott  
*Executive Director*

DIVISION OF SOLID AND  
HAZARDOUS WASTE

Dennis R. Downs  
*Director*

November 24, 2008

Kelle Adams  
Assistant General Manager  
Manheim Utah  
1650 West 500 South  
Woods Cross, Utah 84087

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: Hazardous Waste Inspection  
Notice of Violation  
UTD 988071064

Dear Ms. Adams:

Enclosed is a **NOTICE OF VIOLATION (NOV)** based on findings documented during the inspection of Manheim Utah conducted by representatives of the Utah Division of Solid and Hazardous Waste on August 12, 2008. Please be advised that compliance with this NOV is mandatory and will not relieve Manheim Utah's liability for past violations.

You are hereby requested to submit to this office on or before December 22, 2008, a written description of the procedures that have been or will be implemented to ensure Manheim Utah's future compliance with the Utah Hazardous Waste Management Rules.

If you have any questions, please contact Ed Deputy at (801) 538-6793.

Sincerely,

**ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 11/24/08**

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

DRD/ED/kl  
Enclosure

c: Eric Johnson, EPA Region VIII  
Lewis Garrett, APRN, MPH, Director of Health, Davis County Health Department

NOVTN200800853.DOC

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of: : NOTICE OF VIOLATION

Manheim Utah :  
1650 West 500 South :  
Woods Cross, Utah 84087 :

UTD988071064 : No: 0809033

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This **NOTICE OF VIOLATION** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), 19-6-101, et seq., Utah Code Annotated 1953, as amended (UCA). The Board has delegated to the Executive Secretary authority to issue such **NOTICES** in accordance with R315-12-2.2(a) of the Utah Administrative Code.

FINDINGS

1. Manheim Utah (Manheim) is a company licensed to do business in the State of Utah.
2. Manheim is a “person” as defined in UCA 19-1-103(4) and is subject to all applicable provisions of the Utah Solid and Hazardous Waste Act and the Utah Administrative Code (the Rules).
3. Manheim generates wastes defined as hazardous by R315-2 of the Rules. These wastes include characteristic hazardous waste D001 (ignitable) and listed hazardous wastes (F003) and (F005).
4. Authorized representatives of the Utah Solid and Hazardous Waste Control Board (inspectors) conducted a Compliance Evaluation Inspection at the Manheim facility on August 12, 2008. The following FINDINGS were documented during the inspection:
  - a. R315-7-16.4(a) of the Rules states that a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

The inspection team documented one, 55-gallon drum containing waste paint-related material. The drum was approximately half filled with paint waste. The paint waste is a characteristic ignitable hazardous waste (D001) and a listed hazardous waste (F003) and (F005) due to its solvent content. The drum had an open funnel screwed into the drum bung.

- b. R315-5-3.34 of the Rules [which incorporates by reference 40 CFR, Part 262.34(a)(2)], requires that the date upon which each period of accumulation begins be clearly marked and visible for inspection on each container of hazardous waste.

The inspection team documented a partially filled drum and two additional 55-gallon drums with waste paint-related material did not have an accumulation start date at the time of the inspection. The paint waste is a characteristic ignitable hazardous waste (D001) and a listed hazardous waste (F003) and (F005) due to its solvent content.

- c. R315-5-3.34 of the Rules [which incorporates by reference 40 CFR, Part 262.34(a)(3)] requires that, while being accumulated on site, each container of hazardous waste shall be labeled with the words “hazardous waste.”

The inspection team documented a partially filled drum and two additional 55-gallon drums with waste paint-related material were not labeled with the words “hazardous waste” at the time of the inspection. The paint waste is a characteristic ignitable hazardous waste (D001) and a listed hazardous waste (F003) and (F005) due to its solvent content.

- d. R315-7-16.5 of the Rules requires that operator inspect areas where containers of hazardous waste are stored at least weekly looking for leaks and deterioration.

During the inspection, the inspectors documented that Manheim had no program for inspecting hazardous waste containers on a weekly basis.

- e. R315-5-3.34 of the Rules [which incorporates by reference 40 CFR, Part 262.34(d)(5)(ii)] requires that a generator post the following information next to the telephone: (1) the name and telephone number of the emergency coordinator; (2) location of fire extinguishers and spill control material, and if present, fire alarm, and (3) the telephone number of the fire department, unless the facility has a direct alarm.

During the inspection, the inspectors documented that Manheim did not have the required emergency information posted near the telephone.

- f. R315-7-10.7(a) of the Rules requires the owner or operator to attempt to make arrangements to familiarize local fire, police, and emergency response teams of the facility layout, properties of the hazardous wastes at the facility, associated hazards where personnel normally work, road entrances and evacuation routes. Hospitals should be notified of the hazardous waste properties and the types of illnesses or injuries that may result from fires, explosions, or releases at the facility.

During the inspection, Manheim could not provide documentation to inspectors that attempts were made to make arrangements with local fire, police, emergency response teams, or hospitals regarding the facility layout and hazardous waste properties at the facility.

#### DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, Manheim has violated provisions of the Rules applicable to its facility. Specifically Manheim has violated the following:

- a. R3157-16.4(a) of the Rules by failing to maintain containers holding hazardous waste in a closed condition.
- b. R315-5-3.34 [40 CFR, Part 262.34(a)(2)] of the Rules by failing to properly mark containers of hazardous waste with the start date of accumulation.
- c. R315-5-3.34 [40 CFR, Part 262.34(a)(3)] of the Rules by failing to properly label containers with the words "hazardous waste."
- d. R315-7-16.5 of the Rules by failing to inspect areas where containers of hazardous waste are stored on a weekly basis.
- e. R315-5-3.34 [40 CFR, Part 262.34(d)(5)(ii)] of the Rules by failing to post the following information next to the telephone: (1) the name and telephone number of the emergency coordinator; (2) location of fire extinguishers and spill control material, and if present, fire alarm, and (3) the telephone number of the fire department, unless the facility has a direct alarm.
- f. R315-7-10.7(a) of the Rules by failing to attempt to make arrangements to familiarize local fire, police, and emergency response teams of the facility layout, properties of the hazardous wastes at the facility, associated hazards where personnel normally work, road entrances and evacuation routes and by failing to attempt to notify hospitals of the hazardous waste properties and the types of illnesses or injuries that may result from fires, explosions, or releases at the facility.

#### COMPLIANCE, OPPORTUNITY FOR HEARING

This NOTICE is effective immediately and shall become final unless contested in writing within 30 days in the manner set out in R315-12-2.2(b) of the rules. Section 19-6-113 of the Utah Code Annotated also provides that violation of the Utah Solid and Hazardous Waste Act or any Notice issued there under maybe subject to a civil penalty of up to thirteen thousand (\$13,000) dollars per day for each day of violation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008

By \_\_\_\_\_  
Dennis R. Downs, Executive Secretary  
Utah Hazardous Waste Control Board